

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 CMR 482

TELEPHONE ACCESS AND USE

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482.01 Purpose

The purpose of 103 CMR 482.00 is to establish Department procedures regarding access to, use of and the monitoring and/or recording of inmate telephones. 103 CMR 482.00 is not intended to confer any procedural or substantive rights or any private cause of action not otherwise granted by state or federal law.

482.02 Statutory Authorization

These regulations are issued pursuant to M.G.L. c. 124, s. 1 (b), (c) and (q) and c. 272, s. 99.

482.03 Cancellation

These regulations cancel all previous Departmental and institutional policy statements, bulletins, directives, orders, notices, rules and regulations regarding

telephone access and use which are inconsistent with these regulations.

482.04 Applicability

These regulations are applicable to all inmates in all Department institutions and facilities.

482.05 Access to Regulations

These regulations shall be maintained in the central policy file of the Department and shall be accessible to all Department employees. A copy of this policy shall also be maintained in each Superintendent's central policy file and at each inmate library.

482.06 Definitions

- (1) Call Detail- Information concerning a telephone number called, including, but not limited to, the PIN of the caller, the number called, the duration of the call, the detection of three way switching, the date and time of the call.
- (2) Commissioner - The chief executive officer of the Department of Correction.
- (3) Department - Department of Correction.
- (4) Inmate Telephones - Telephones designated for the exclusive use of inmates.
- (5) PIN Number- An authorized personal identification number assigned to each inmate for use with inmate telephones.
- (6) Special Status Inmates - Inmates in disciplinary isolation, administrative segregation, protective custody, a departmental disciplinary unit, department segregation unit or inmates on awaiting action status.
- (7) Superintendent - The chief administrative officer of a correctional institution.
- (8) Telephone Monitoring - The monitoring and/or recording of telephone conversations by an inmate.

482.07 Institution Procedures for Inmate Telephone Access and

Use

- (1) General - Each superintendent shall develop procedures to insure that inmates have access to telephones. Access should be regulated in such a manner as to provide for the orderly and safe use of telephones by inmates.
- (2) Inmate Telephone Use - Each superintendent shall make arrangements to have an adequate number of inmate telephones available for inmate use. Except for installation charges, the institution shall not be liable for telephone charges resulting from the improper use of inmate telephones. Institution business telephones should not be used for inmate telephone contact except in unusual situations and then only with the permission of the superintendent or his/her designee. Outgoing telephone calls only will be allowed, subject to the conditions authorized by this regulation.
- (3) Inmate Telephone Restrictions
 - (a) All inmate calls shall be one-way collect calls only, utilizing an automated operator.
 - (b) Direct dialed calls, three way or conference calling and calls to 411, 800, 900, 550, 976 or other multiple long distance carriers are prohibited.
 - (c) Inmates may be allowed a total of 15 telephone numbers authorized for use in conjunction with the inmates PIN. Five of these numbers shall be reserved for attorney telephone numbers.
 - (d) All inmate telephone calls, except calls to pre-authorized attorney telephone numbers, pre-authorized clergy telephone numbers and pre-authorized professional telephone numbers are subject to telephone monitoring.
 - (e) All inmate telephone calls are subject to duration limits, or other restrictions such as authorized calling hours as determined by procedures developed by the Superintendent of each facility.
 - (f) All inmate telephone calls require positive call acceptance by the called party prior to the call being connected. The telephone system shall use a pre-recorded name to announce who the call is from.
 - (g) All inmate telephone calls shall contain a

pre-recorded announcement identifying that the collect call is originating from an inmate at a Massachusetts Department of Correction (institution) and indicate that the call is subject to being recorded and that any attempt to access a three party line or conference call will cause the system to immediately disconnect the call.

- (h) An inmate telephone privileges, except for attorney telephone calls may be suspended or curtailed either pending disciplinary action, administrative action or as part of a disciplinary sanction.
- (4) Suspension of Inmate Telephone Use- Inmate telephone use may be suspended by the Superintendent or his designee when, in the Superintendent's opinion, inmate telephone use presents a threat to the institution's security. Telephone calls to courts and attorneys shall not be suspended.
- (5) International Debit Calling - Inmates will be allowed to call five international numbers in addition to the ten personal numbers that can be called collect. To make an international telephone call to an area where collect calls cannot be completed, the inmate can place a debit call in which (s)he shall be responsible to pay for the call prior to having the ability to complete the call. Prior to placing any international calls, the inmate must complete an Inmate International Debit Request Form to transfer money from their account to a debit account for the purpose of placing an international telephone call.
- (6) All commissions received that are derived from inmate "collect" calling shall be returned to the General Fund of the Commonwealth. This shall be done on a monthly basis by the Director of Administrative Services.
- (7) All commissions received that are derived from inmate "debit" calling are to be deposited into a "Z" account under the supervision of the Director of Administrative Services. Expenditures of such funds are to be approved by the Commissioner in accordance with 103 DOC 476, Section 476.12 (2).

- (8) Reports detailing all receipts and expenditures of inmate telephone commissions shall be kept on file by the Director of Administrative Services.

482.08 INMATE TELEPHONE USE FOR COURT, ATTORNEY CONTACT, PRE-APPROVED ORDAINED CLERGYMEN, LICENSED PSYCHOLOGIST, SOCIAL WORKER, AND/OR MENTAL HEALTH AND HUMAN SERVICE PROFESSIONALS

- (1) Telephone calls to pre-authorized attorney numbers shall not be suspended or curtailed except in an institutional emergency. Telephone calls to pre-authorized attorney numbers shall not be subject to telephone monitoring or recording.
- (2) Inmate will be allowed to make unmonitored and unrecorded collect telephone calls to their designated and pre-approved ordained clergymen, pre-approved and licensed psychologists, social worker, and/or mental health and human service professional.

No clergymen employed by the Department of Correction and no professional employed by the department or contracting to provide services on behalf of the department may be designated by an inmate, nor will such individuals be pre-approved.

In order to complete the pre-approval process, the inmate must provide a designation of the clergyman or professional and a letter from the clergyman or professional attesting to the professional relationship that exists with the inmate. The superintendent may require additional documentation as necessary.

482.09 Telephone Access and Use for Special Status Inmates

- (1) Disciplinary Isolation - Inmates confined in disciplinary isolation or placed in disciplinary awaiting action status shall not have access to a telephone, except to directly contact a court or an attorney, unless authorized by the superintendent or his/her designee.
- (2) Administrative Segregation and Administrative Segregation Awaiting Action Status - Institution policy shall provide for the manner and extent of telephone access for inmates confined in

administrative segregation and administrative segregation awaiting action status.

- (3) Protective Custody and Protective Custody Awaiting Action Status - Institution policy shall provide for the manner and extent of telephone access for inmates confined in protective custody or protective custody awaiting action status.
- (4) Special Status - Special status inmates may be permitted to make emergency telephone calls (calls not covered by 103 CMR 482.08) upon the approval of the superintendent.
- (5) Department Disciplinary Unit or Departmental Segregation Unit- Inmates housed in these special housing units shall have telephone privileges as authorized by the Superintendent.

482.10 Telephone Monitoring

- (1) Inmate acceptance of a PIN and use of inmate telephones shall be deemed as consent to the conditions and restrictions placed upon inmate telephone calls, including call monitoring, recording and call detail.
- (2) Procedures for the authorization and changing of inmate pre-authorized telephone numbers shall be developed to occur no less than on a quarterly basis during the first full week of the months of January, April, July, and October and as outlined in institutional procedures authorized by the Superintendent of the facility.
- (3) Access to a particular telephone number, including pre-authorized numbers may be blocked at the discretion of the Superintendent.

482.11 Responsible Staff

The Superintendent of each institution shall be responsible for developing institutional procedures, in addition to implementing and monitoring these regulations.

482.12 Annual Review Date

These regulations shall be reviewed at least annually

from the effective date by the Commissioner or his designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the central policy file indicating revisions, additions, or deletions which shall be included for the Commissioner's written approval.

482.13 Severability Clause

If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of these regulations.

482.14 Effective Date

These regulations are effective upon publication in the Massachusetts Register.